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LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

EXAMINER
SAINT CYR, JEAN D

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/699,940	SCOTT ET AL.
	Examiner	Art Unit	
	JEAN D. SAINT CYR	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>17 February 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-13,15,16,18-21,24,25,27-29,31-33,35-38 and 40-44</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-13,16,18-21,24,25,27-29,31-33,35-38 and 40-44</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 November 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 36-37 are rejected under 35 U.S.C. 101 because the claimed invention are directed to non-statutory subject matter as follows. Claims 36-37 are drawn to a "database schema comprising instructions, but not executed by any computing device.

Response to Amendment

This action is in response to applicant amendment filed on 02/17/2009. Claims *1-13, 15, 16, 18-21, 24, 25, 27-29, 31-33, 35-38 and 40-44 are still pending in the current application. This action is made FINAL.*

Response to Arguments

Applicant's arguments were fully considered, but they were not persuasive. Applicant argues that the cited references did not explicitly disclose logically combining the navigation contexts which correspond to the selected at least two attributes using Boolean operators.

However, Ellis et al show in fig.17a and disclose that the user may construct a Boolean expression by selecting criteria such as attribute types, attributes, and logical operators. The user may make such selections, for example, using any suitable combination of right, left, up, or down arrow key sequences to sequence through the attribute types, attributes and logical operators. As a result, this action is made final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a

whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-13, 15-16, 18-21, 24, 27-29, 31-33, 35-38 and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al in view of Ellis et al, US No. 20080115169.

Re claim 1, Kikinis et al disclose providing a set of viewer selectable attributes, the set of attributes comprising attributes which are each descriptive of a different aspect of a television program, wherein each attribute of the set corresponds to a combinable navigation context to generate a navigable sequence of television programs (see fig.3b where a list of attributes is presented to the user);

selecting at least two attributes from the set (the sort order of the results in EPG display 320 is determined by the selection of additional search parameters. Many different additional parameters may be set, such as the show times, the likelihood of matching content based on the search elements from the program descriptive data i.e. the actors, directors,col.4, lines 31-33);

querying a database of television programming metadata for television program identifiers associated with the combined navigation contexts(see fig.4, program data database; database search, where the probability of a match is determined according to the rules established by the search elements and parameters, col.4, lines 39-40);

generating at least one sequence of television programs associated with the identifiers for navigation wherein each of the at least one sequence comprises a corresponding navigational axis (see fig.3c; the results of the expanded search function 305 are illustrated in EPG display 320 in FIG. 3c, col.4, lines 4-8); and

navigating the at least one sequence of television programs, wherein the
navigating comprises using a multi-axis navigation control to change from playing an
on-demand program or a currently broadcast program in the at least one sequence to
playing another on-demand program or another currently broadcast program in the at
least one sequence(control the selection of programs from the video input 430 for
display on the video output 450, col.5, lines 53-54; that means using the remote control
allows users to switch between programs).

But Kikinis et al did not explicitly disclose logically combining the navigation
contexts which correspond to the selected at least two attributes using Boolean
operators.

However, Ellis et al disclose logically combining the navigation contexts which
correspond to the selected at least two attributes using Boolean operators(see fig.17a;
The user may construct a Boolean expression by selecting criteria such as attribute
types, attributes, and logical operators. The user may make such selections, for
example, using any suitable combination of right, left, up, or down arrow key sequences
to sequence through the attribute types, attributes and logical operators, 0099).

It would have been obvious for any person of ordinary skill in the art at that
time the invention was made to combine the invention of Kikinis with the invention of
Ellis for the purpose of allowing users to select more attributes using Boolean operators.

Re claim 2, Kikinis et al explicitly disclose wherein the querying is performed by
one or more predefined queries and each predefined query is associated with a
combinable navigation context (see fig.3b with option to combine to combine predefined
queries)

Re claim 3, Kikinis et al disclose wherein the set of attributes includes an actor

attribute and a director attribute, and wherein logically combining the navigation contexts which correspond to the selected attributes comprises logically combining navigation contexts which correspond to the actor attribute and the director attribute to generate a single actor-director navigational axis(see fig.3b; such as the name or show title 302, directors 303, actors 304, etc., as drawn from the descriptive part of the EPG program data, col.3, lines 40-42).

Re claim 4, Kikinis et al disclose wherein links for launching the one or more predefined queries are associated with television program content (see fig.3b).

Re claim 5, Kikinis et al disclose wherein the television program content is included in a conventional broadcast television show (see fig.3c).

Re claim 6, Kikinis et al did not disclose wherein the television program content is included in one of an on-demand television show or an on-demand television movie.

However, Ellis et al disclose wherein the television program content is included in one of an on-demand television show or an on-demand television movie on demand (User selectable criteria may also include what program guide server 25 searches for such as, for example, program listings, program information, web sites, video-on-demand videos, software, or any other suitable program guide data, other information, or videos, 0078).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce on demand into the system of Kikinis, as taught by Ellis for the purpose of allowing user to view on demand content.

However, Ellis et al disclose wherein the television program content is included in television musical programming (see fig.19, MTV; music channel information, 0039).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce musical programming into the system of Kikinis, as taught by Ellis for the purpose of allowing user to get access to music data.

Re claim 8, Kikinis et al disclose wherein a link is selectable while the television program content is playing(if a Steve Martin festival is playing, a viewer could search for other shows in which Steve Martin appears instead of only the specific show that forms the basis of the search reference, col.4, lines 21-24).

Re claim 9, Kikinis et al disclose wherein links for launching the one or more predefined queries are associated with television program metadata (see fig.3b, director, actor, genre).

Re claim 10, Kikinis et al disclose wherein a link is selectable while the television program metadata is displayed (see fig.3b where actor is selected).

Re claim 11, Kikinis et al discloses wherein navigation controls perform the navigating (the discrete value may be specified using a keypad on a remote control device or some other conventional mechanism for specifying a value, col.5, lines 4-6).

Re claim 12, Kikinis et al disclose wherein the navigation controls select one or more of the combinable navigation contexts (see fig.3b).

Re claim 13, Kikinis et al disclose further comprising using at least one of the combinable navigation contexts as a logical filter (see fig.3b where parameter actor is selected to force the processor to look for cheers and actor associated with only).

Re claim 15, Kikinis et al disclose wherein the Boolean operators are applied automatically based on an association between a link for launching a predefined query

corresponding to a navigation context and the television program content associated
with the link (see fig.3c).

Re claim 16, Kikinis et al disclose wherein the Boolean operators are applied
automatically based on an association between a link for launching a predefined query
corresponding to a navigation context and the television program metadata associated
with the link(see fig.3c where date and actor can be combined automatically).

Re claim 18, Kikinis et al disclose A method, comprising: defining multiple
queries for television programming metadata, wherein each query uses one or more
attribute values from a television program context from which the query was launched to
produce a list of television program identifiers associated with the one or more attribute
values(see fig.3c), and wherein the one or more attribute values are selected by a
viewer from among a set of attribute values which are each descriptive of a different
aspects of a television program(see fig.3b);

arranging the television programming metadata (Like the search elements, the
additional search parameters may also be derived from the descriptive part of the EPG
program data, paragraph 12) into a data structure wherein attribute values are
associated with program identifiers (see fig.3b); and

providing a user interface (see fig.3b where user can select), wherein a navigation
control selects whether to launch the query and if launched, designates one or more
attribute values from the television program context (upon selection by the viewer, the
expanded search function 305 first moves or pastes into the EPG search display 310
the marked/selected show name Cheers 301 and its associated features, such as the
name or show title 302, directors 303, actors 304, col.3, lines 40-42).

But Kikinis et al did not explicitly disclose wherein the multiple queries are logically
combined using Boolean logic operators;

when the query is launched, using the navigation control to access a television program associated with the list wherein the television program comprises a television program selected from a group consisting of on- demand television programs and currently broadcast television programs; and

playing the television program in response to the navigation control accessing the television program.

However, Ellis et al disclose wherein the multiple queries are logically combined using Boolean logic operators(see fig.17a; The user may construct a Boolean expression by selecting criteria such as attribute types, attributes, and logical operators. The user may make such selections, for example, using any suitable combination of right, left, up, or down arrow key sequences to sequence through the attribute types, attributes and logical operators,0099);

when the query is launched(querying program guide server 25 for any defined preference profiles,0091), using the navigation control to access a television program associated with the list wherein the television program comprises a television program(provide program guide data from data source 14 to interactive television program ,0037)selected from a group consisting of on- demand television programs and currently broadcast television programs(User selectable criteria may also include what program guide server 25 searches for such as, for example, program listings, program information, web sites, video-on-demand videos, software, or any other suitable program guide data, other information, or videos,0078); and

playing the television program in response to the navigation control accessing the television program(The program guide may provide users with access to selectable advertisements in response to, for example, a user pressing left arrows to move highlight region 151 to highlight a selectable advertisement, 0076).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Kikinis with the invention of Ellis for the purpose of allowing users to select more attributes using Boolean operators.

Re claim 19, Kikinis et al disclose wherein the television program context is a television program currently being displayed(if a Steve Martin festival is playing, a viewer could search for other shows in which Steve Martin appears instead of only the specific show that forms the basis of the search reference, Paragraph 15).

Re claim 20, Kikinis et al disclose wherein the television program context is program guide information associated with a television program (the additional search parameters may also be derived from the descriptive part of the EPG program data, col.3, lines 49-50).

Re claim 21, Kikinis et al did not disclose wherein the television program context is an order form for ordering an on-demand television program.

However, Ellis et al disclose wherein the television program context is an order form for ordering an on-demand television program (tracking pay-per-view programs that the user orders, 0125).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce on demand into the system of Kikinis, as taught by Ellis for the purpose of allowing user to view on demand content.

Re claim 22, Kikinis et al disclose further comprising when the query is launched, then using the navigation control to access television programs associated with

television program identifiers on the list (see fig.3c where user can use the remote
control to select program).

Re claim 23, Kikinis et al disclose further comprising playing each television
program in response to the navigation control accessing the television program(the
viewer can then select from the results which of the shows to watch, col.4, lines 14-15)).

Re claim 24, Kikinis et al disclose further comprising displaying program information
for each television in response to the navigation control accessing the television
program(the viewer can then select from the results which of the shows to watch,
paragraph 14).

Re claim 27, Kikinis et al did not explicitly disclose wherein the Boolean logic
operators are applied automatically based on an association between a link for
launching a predefined query corresponding to a navigation context and the television
program content associated with the link.

However, Ellis et al disclose wherein the Boolean logic operators are applied
automatically based on an association between a link for launching a predefined query
corresponding to a navigation context and the television program content associated
with the link(see fig.17a; The user may construct a Boolean expression by selecting
criteria such as attribute types, attributes, and logical operators. The user may make
such selections, for example, using any suitable combination of right, left, up, or down
arrow key sequences to sequence through the attribute types, attributes and logical
operators, 0099).

It would have been obvious for any person of ordinary skill in the art at that
time the invention was made to combine the invention of Kikinis with the invention of
Ellis for the purpose of allowing users to select more attributes using Boolean operators.

Re claim 28, Kikinis et al disclose wherein the Boolean operators are designated by the television program context (see fig.3b, director, actor).

Re claim 29, Kikinis et al disclose a multi-axis television navigation system, comprising: a server for storing and accessing digital television programming content (see fig.4, database);

a navigation control for navigating any one of multiple navigational axes to change from playing of a currently playing television program to playing of a television program provided by the server and for selecting (control the selection of programs from the video input 430 for display on the video output 450, col.5, lines 53-54; that means using the remote control allows users to switch between programs)links to launch predefined queries(, wherein each predefined query queries a database based on television program attributes selected by a viewer(see fig.3b, user uses remote control to select parameter) and returns a navigation axis comprising a list of program identifiers of programs corresponding to a value for the television program attributes selected(see fig.3c);

a means for storing television program metadata in a database(The EPG program data on the program data database 420 is comprised of show names or titles, and other descriptive information such as the actors, director, or genre, col.5, lines 34-37),

a means for arranging the program metadata in a relational schema(The processor 410 in the described embodiment acts under program control by a program stored in program logic memory 440 to perform the previously described expanded search functions 305, col.5, lines 19-22),

a means for defining and storing the pre-defined queries (memory 440 to perform the previously described expanded search functions 305, col.5, lines 19-22); and

a means for embedding links to the pre-defined queries in logically associated metadata for a currently playing television program (the additional search parameters may also be derived from the descriptive part of the EPG program data, col.3, lines 48-50).

But Kikinis et al did not explicitly disclose a means for logically combining multiple predefined queries using Boolean operators.

However, Ellis et al disclose the user may construct a Boolean expression by selecting criteria such as attribute types, attributes, and logical operators. The user may make such selections, for example, using any suitable combination of right, left, up, or down arrow key sequences to sequence through the attribute types, attributes and logical operators, 0099.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Kikinis with the invention of Ellis for the purpose of allowing users to select more attributes using Boolean operators.

Re claim 31, Kikinis et al disclose further comprising a means for selecting more than one link in order to logically combine multiple predefined queries (see fig.3b).

Re claim 32, Kikinis et al disclose wherein the relational schema adheres at least in part to a global listings format (see fig.3a).

Re claim 33, Kikinis et al disclose a television navigation engine, executing on a computing device, the engine comprising: a database for television program metadata(The EPG program data on the program data database 420 is comprised of show names or titles, and other descriptive information such as the actors, director, or genre, paragraph 22);

a query engine to find identifiers in the database corresponding to predefined queries (see fig.4; processor), wherein a predefined query returns a navigational axis from the database, wherein a navigational axis is a list of identifiers of television programs (see fig.3c);

a user interface to associate launch of one or more of the predefined queries with selection of -attributes descriptive of a currently playing television program or currently displayed metadata of the television program, and to receive the attributes which are selected by a viewer(see fig.3b);

an axis cache to store the list of identifiers returned by one or more predefined queries(The EPG program data on the program data database 420 is comprised of show names or titles, and other descriptive information such as the actors, director, or genre, col.5, lines 36-37); and

a navigation controller associated with the user interface to select the attributes launching the predefined queries, to navigate a navigational axis that is a list of identifiers of television programs and to play television programs corresponding to the identifiers on the list (control the selection of programs from the video input 430 for display on the video output 450, col.5, lines 53-54; that means using the remote control allows users to switch between programs).

But Kikinis et al did not explicitly disclose a combiner to combine selected attributes using Boolean operators for launching multiple predefined queries;

wherein the television programs comprise television programs selected from a group consisting of on-demand programs and currently broadcast programs

However, Ellis et al disclose the user may construct a Boolean expression by selecting criteria such as attribute types, attributes, and logical operators. The user may make such selections, for example, using any suitable combination of right, left, up, or down arrow key sequences to sequence through the attribute types, attributes and logical operators,0099;

wherein the television programs comprise television programs selected from a group consisting of on-demand programs and currently broadcast programs(User selectable criteria may also include what program guide server 25 searches for such as, for example, program listings, program information, web sites, video-on-demand videos, software, or any other suitable program guide data, other information, or videos,0078

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Kikinis with the invention of Ellis for the purpose of allowing users to select more attributes using Boolean operators.

Re claim 35, Kikinis et al disclose wherein the navigation controller is on a remote controller (a viewer action on a remote control device, col.3, lines 31-32).

Re claim 36, Kikinis et al disclose a multi-axis television program system that comprises a multi-axis database schema, the schema comprising: instructions for arranging a database of television programming metadata into indices facilitating predefined queries (The processor 410 in the described embodiment acts under program control by a program stored in program logic memory 440 to perform the previously described expanded search functions 305, col.5, lines 18-22);

wherein one or more links contextually associated with attributes of a television program call the predefined queries, and wherein each attribute of the set corresponds to a combinable navigation context which can be used for generating a navigable

sequence of television programs along a navigational axis ((see fig.3b where there are director, actor, genre and user can select parameters with the remote control),,

wherein the predefined queries return a list of identifiers from the database corresponding with one or more of the attributes, wherein each list forms a navigational axis (see fig.3c),

wherein each identifier in a list corresponds to either an on-demand or currently broadcast television program (see fig.3b, fig.3c);

wherein the television programs on the list are played as accessed by a television channel navigation means for navigating one or more navigational axes(The viewer can then select from the results which of the shows to watch, col.4, lines 13-14).

But Kikinis et al did not explicitly disclose wherein the attributes have been selected by a viewer from among a set of attributes and logically combined using Boolean operators.

However, Ellis et al disclose the user may construct a Boolean expression by selecting criteria such as attribute types, attributes, and logical operators. The user may make such selections, for example, using any suitable combination of right, left, up, or down arrow key sequences to sequence through the attribute types, attributes and logical operators, 0099.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Kikinis with the invention of Ellis for the purpose of allowing users to select more attributes using Boolean operators.

Re claim 37, Kikinis et al disclose wherein the one or more attributes include one of: type of program, program title, alphabetical order of title, year of release,

channel, time, first air date, episode order, episode name, genre, actors, writer, director, producer, rating, sound characteristics, video characteristics, language, subtitles, closeness of match to search criteria, and popularity(The EPG program data on the program data database 420 is comprised of show names or titles, and other descriptive information such as the actors, director, or genre, col.5, lines 36-37).

Re claim 38, Kikinis et al disclose a multi-axis television program system (see fig.3b that contains axes name, director, actor, genre) that comprises one or more computer readable media containing instructions that are executable by a computer to perform actions comprising:

receiving a viewer selection of attributes from among a set of attributes (see fig.3b), wherein each attribute selected is descriptive of a different aspect of a currently playing television program (see fig.3b, actor, director, genre);

linking a predefined database query for one of the axes to a television program having the attributes that defines the axis (see fig.3b, director, actor, genre, time),

providing a database of television program identifiers associated with the attributes (see fig.4);

providing a means for selecting and launching the predefined database query (see fig.3b), wherein the query returns a list of program identifiers of television programs having the attribute that defines the axis (see fig.3c);

instructions to cycle through playing the television programs on the list when a user uses a navigation controller for changing television channels that(control the selection of programs from the video input 430 for display on the video output 450, col.5, lines 53-54; that means using the remote control allows users to switch between programs).

But Kikinis et al did not explicitly disclose defining television navigation axes according to attributes of television programs where two or more attributes are logically combined using Boolean operators to form a one of the navigational axes,

in turn, navigates along one of the navigational axes wherein the television programs comprise television programs selected from a group consisting of on-demand programs and currently broadcast programs.

However, Ellis et al disclose defining television navigation axes according to attributes of television programs where two or more attributes are logically combined using Boolean operators to form a one of the navigational axes(The user may construct a Boolean expression by selecting criteria such as attribute types, attributes, and logical operators. The user may make such selections, for example, using any suitable combination of right, left, up, or down arrow key sequences to sequence through the attribute types, attributes and logical operators,0099),

in turn, navigates along one of the navigational axes wherein the television programs comprise television programs selected from a group consisting of on-demand programs and currently broadcast programs (User selectable criteria may also include what program guide server 25 searches for such as, for example, program listings, program information, web sites, video-on-demand videos, software, or any other suitable program guide data, other information, or videos, 0078).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Kikinis with the invention of Ellis for the purpose of allowing users to select more attributes using Boolean operators.

Re claim 40, Kikinis et al disclose receiving results from the querying wherein the results comprise television program identifiers and wherein each of the identifiers identifies a television program (display the results of the search, and in some

embodiments to further control the selection of programs from the video input 430 for
display on the video output 450, col.5, lines 51-54);

generating a navigational axis for navigating the television programs that
correspond to the television program identifiers wherein the navigational axis comprises
an axis independent of a future time (see fig.3b);

playing one of the television programs, located on the navigational axis, on a
television (see fig.4, video output);

receiving an instruction to change a channel on the television (clicking the desired
show with an input device and displaying the clicked show, col.3, lines 28-29);

responsive to receipt of the instruction, navigating the navigational axis to play a
different television program located on the navigational axis; and playing the different
television program on the television (control the selection of programs from the video
input 430 for display on the video output 450, col.5, lines 53-54; that means using the
remote control allows users to switch between programs).

But Kikinis et al did not disclose querying a database of television program
metadata corresponding to television programs based on at least two television
program attributes combined using at least one Boolean operator

wherein the playing one of the television programs and the playing the different
television program each play an on-demand program, a currently broadcast program or
a combination of an on-demand program and a currently broadcast program.

However, Ellis et al disclose querying a database of television program metadata
corresponding to television programs based on at least two television program attributes
combined using at least one Boolean operator(see fig.17a; The user may construct a

Boolean expression by selecting criteria such as attribute types, attributes, and logical operators. The user may make such selections, for example, using any suitable combination of right, left, up, or down arrow key sequences to sequence through the attribute types, attributes and logical operators,0099);

wherein the playing one of the television programs and the playing the different television program each play an on-demand program, a currently broadcast program or a combination of an on-demand program and a currently broadcast program(User selectable criteria may also include what program guide server 25 searches for such as, for example, program listings, program information, web sites, video-on-demand videos, software, or any other suitable program guide data, other information, or videos,0078).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the invention of Kikinis with the invention of Ellis for the purpose of allowing users to select more attributes using Boolean operators.

Re claim 41, Kikinis et al disclose further comprising presenting on the television the navigational axis and at least some information for the television programs that correspond to the television program identifiers(see fig.3b; upon selection by the viewer, the expanded search function 305 first moves or pastes into the EPG search display 310 the marked/selected show name Cheers 301 and its associated features, such as the name or show title 302, directors 303, actors 304, etc., as drawn from the descriptive part of the EPG program data, col.3, lines 37-42).

Re claim 42, Kikinis et al disclose further comprising an additional navigational axis, the additional navigational axis based on results from a different query (the viewer can fine tune the search, if desired, by changing some existing parameters or by editing the show name in EPG display 310. An advantage of the expanded search function 305 is that it offers a much higher level of viewer interaction with the EPG, Col.4, lines 44-48).

Re claim 43, Kikinis et al disclose wherein a two-dimensional control feature allows for navigation along the navigational axis and the additional navigational axis (see fig.3c).

Re claim 44, is met as previously discussed with respect to claim 40.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al in view of Ellis further in view of O'Connor et al, US No. 20030165324.

Re claim 25, Kikinis et al did not disclose further comprising:

pausing a first television program at a pause point in response to the navigation control accessing a second television program on the list; and

resuming the first television program at the pause point in response to the navigation control accessing the first television program.

However, O'Connor() et al disclose When the user wishes to resume to the prior program as indicated at diamond 2712, the restoration, implemented at block 2714, uses the stored switch time to identify a return point in the prior program. In this way, the user can watch one program in the same channel, switch to another program, return to the original program and, using the catch-up feature, may catch back up to real time, by knowing where the viewer left the prior program, paragraph 0123.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce pausing television program and resuming television program into the system of Kikinis in view of Ellis, as taught by O'Connor, for the purpose of allowing users to switch from one channel to another one without I missing any part of the program.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-
3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach
the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be
reach on 571-272-7527. The fax number for the organization where the application or
proceeding is assigned is 571-273-8300. Information regarding the status of an
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1000.

/Jean Duclos Saintcyr /

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425